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January 2, 2013

BY ECF

Honorable Judge Marilyn D. Go  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Kareem Hassan v. City of New York, et al., 13 CV 6794 (ENV)(MDG)

Dear Magistrate Judge Go:

I am a Special Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to the defense of the above-referenced case on behalf of defendant City of New York. Without appearing or making any representations on behalf of defendant Police Officer Salvator Desiano, I write to respectfully request that the Court *sua sponte* extend the time for Officer Desiano to answer the complaint, *nunc pro tunc*, from December 30, 2013 to February 28, 2014, in order to ensure that his defendants are not jeopardized while representation issues are being resolved. I have spoken with plaintiff's co-counsel and he consents to the extension. This is defendant's first request for an enlargement of time.

The reason for the request for an extension of time for Officer Desiano to respond to the complaint is that, to date, this office has not resolved representation with Officer Desiano. On December 6, 2013, Officer Desiano was served with summons and complaint so now, pursuant to Section 50-k of the New York General Municipal Law, this Office must determine, based on a review of the facts of the case, whether we may represent defendant Officer Desiano. Officer Desiano must then determine whether he wishes to be represented by this Office. If he does, we must obtain his written consent. Only after this procedure has been followed can we determine how to proceed in this case. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486

N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)). In addition, an enlargement will allow this Office time to obtain underlying documentation and properly investigate the allegations of the Complaint.

For the reasons set forth above, it is respectfully requested that the Court *sua sponte* extend Officer's Desiano's time to respond to the complaint until February 28, 2013, in order to ensure that his defenses are not jeopardized and to resolve the outstanding representation issue. Thank you for your consideration herein.

Thank you for your consideration in this regard.

Respectfully submitted,

/s/

Okwede Okoh  
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cc: BY ECF  
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